

REMARKS

Summary of Office Action

Claims 1-38 are pending in this application.

The Examiner finally rejected claims 1-16, 19-25, 30, 31, and 36-38 under 35 U.S.C. § 103(a) as being obvious from Garfinkle U.S. Patent No. 5,530,754 (hereinafter "Garfinkle") in view of Callais et al. U.S. Patent No. 3,790,700 (hereinafter "Callais").

Dependent claims 17 and 18 have been finally rejected under 35 U.S.C. § 103(a) as being obvious from Garfinkle in view of Callais and further in view of West et al. U.S. Patent No. 5,550,575 (hereinafter "West"). Dependent claims 26-29 have been finally rejected under 35 U.S.C. § 103(a) as being obvious from Garfinkle in view of Callais and further in view of Linnett et al. U.S. Patent No. 5,682,469 (hereinafter "Linnett"). And dependent claims 32-35 have been finally rejected under 35 U.S.C. § 103(a) as being obvious from Garfinkle in view of Callais and further in view of Vogel U.S. Patent No. 5,253,066 (hereinafter "Vogel").

Summary of Applicants' Reply

Applicants have proposed amending independent claim 36 to more particularly define the invention. No new matter has been added.

Reconsideration of this application in view of the amendment and following remarks is respectfully requested.

Showing of Good and Sufficient Reasons
Under 37 C.F.R. § 1.116(b)(3)

Applicants request amendment of this application, even though a final rejection has been issued. The proposed amendment of independent claim 36 merely adds a limitation that is substantially identical or similar to limitations already found in independent claims 1, 7, 10, 14, 16, 19, and 21. Thus, no additional search or consideration should be required. Accordingly, applicants respectfully request entry of the proposed amendment and consideration of the following remarks.

Rejections of Claims 1-16, 19-25, 30, 31, and 36-38 Under 35 U.S.C. § 103(a)

Claims 1-16, 19-25, 30, 31, and 36-38 were rejected under 35 U.S.C. § 103(a) as being obvious from Garfinkle in view of Callais.

These rejections are respectfully traversed.

Independent claims 1, 10, 16, 19, and 36 each define a method of operating a video-on-demand service that is accessible to non-subscribers of that service. In particular, that service will transmit or display a segment or preview of a video program requested by a non-subscriber, but will not transmit/display a video program requested by the non-subscriber.

Similarly, independent claims 7, 14, and 21 each define a video-on-demand service in which previews can be requested by and transmitted to both subscribers and non-subscribers of the service, while video programs requested by only subscribers of the service will be transmitted.

The Examiner acknowledged that “Garfinkle is silent [with respect] to distinguishing between subscribers and non-subscribers” (August 10, 2006 final Office Action, page 2).

Furthermore, contrary to the Examiner’s assertion, Callais does not make up for the deficiencies of Garfinkle.

The deficiency is not, as the Examiner stated, the restricting of some video programs to only certain groups of subscribers.

The deficiency is the capability of non-subscribers to request a desired preview (or segment) of a video program and then receive the requested preview (or segment) on demand, while preventing non-subscribers from receiving a requested video program.

First, Callais does not in any way disclose or suggest that its system will transmit or display a preview or segment of a video program to a non-subscriber.

As the Examiner stated, “Callais teaches [a] CATV program control system [citation deleted] which provides subscribers previews of subscription TV program[s]” (August 10, 2006 final Office Action, page 2; emphasis added).

Callais’ CATV system has four modes of operation:

“In a first mode of operation, control logic enables ... a subscriber;”

“In a second mode of operation, the subscriber will only;”

“In a third mode of operation, the subscriber may select;” and

“In a fourth mode of operation, the subscriber may select”

Callais column 3, lines 10-30; emphasis added.

Callais is very plainly directed to only subscribers of its system. Callais does not disclose or suggest in any way what access, if any, a non-subscriber has to its CATV system.

Second, Callais, does not disclose a system in which previews can be requested or selected by its subscribers, much less by non-subscribers. To the contrary, Callais' system decides when and what video program can be previewed – not the subscriber: “Any subscriber may view the subscription program being previewed [by the system] if he positions the channel selector switch 35 to that channel within the preview period” (Callais column 5, lines 8-10; emphasis added).

In Callais' system “the computer ... automatically, without any action by the subscriber, generates a preview enable signal If the subscriber positions his channel selector switch 35 to that channel being previewed The subscriber may then watch, without charge, the program being previewed.” Callais column 9, lines 46-59; emphasis added.

Thus, the only choice the subscriber has (regarding previews) is whether to watch the preview being transmitted by the system during the designated preview period.

Note further that Callais' “second mode allows a subscriber to receive a restricted subscription program if he so requests,” and that Callais' “third mode allows a subscriber to receive a non-restricted subscription program if he so requests,” and that Callais' “fourth mode allows a subscriber to receive a non-subscription program if he so desires.” But Callais' “first mode [only] allows a subscriber to preview a subscription program for a predetermined period without charge” (Callais column 12, lines 40-49) – plainly, the subscriber is not able to request a particular preview to watch.

Therefore, Callais does not in any way disclose or suggest a system in which a non-subscriber can request and receive on demand a preview or segment of a video program.

In sum, Callais does not make up for the deficiencies of Garfinkle and neither Garfinkle nor Callais discloses or suggests:

“transmitting one of said segments to said viewing station when said second signal indicates a selection of said one segment by ... a non-subscriber” (independent claim 1; emphasis added);

“a telecasting facility operative ... to receive selections of said previews ... and a transmitting station ... operative to receive said selections” (independent claim 7; emphasis added);

“displaying on said display one of said segments selected by one of said non-subscribers” (independent claim 10; emphasis added);

“a viewing station ... operative to transmit selections of ... said previews ... and a communication medium ... over which said selections are transmitted” (independent claim 14; emphasis added);

“displaying on said display any of said segments selected from said lists by one of said non-subscribers” (independent claim 16; emphasis added);

“said service ... operative to receive selections of said segments ... and transmitting one of said segments to said viewing station when said comparing indicates that ... said selection corresponds to said one segment” (independent claim 19; emphasis added);

“a telecasting facility operative ... to receive selections of said previews ... a transmitting station ... operative to receive said selections; and a viewing station ... operative to transmit said selections” (independent claim 21; emphasis added); and

“displaying one of said segments on said display in response to a selection of said one segment made by one of said ... non-subscribers” (independent claim 36, amended as proposed; emphasis added).

Thus, the combination of Garfinkle and Callais does not in any way result in applicants' invention as defined in independent claims 1, 7, 10, 14, 16, 19, 21, and 36, and those claims therefore are not rendered obvious from the combination of Garfinkle and Callais.

For at least the reasons discussed above with respect to the independent claims, dependent claims 2-6, 8, 9, 11-13, 15, 20, 22-25, 30, 31, 37, and 38, which depend directly or

indirectly from the independent claims, are not obvious from the combination of Garfinkle and Callais (i.e., dependent claims are patentable if their independent claim is patentable).

Accordingly, applicants respectfully request that the rejections of claims 1-16, 19-25, 30, 31, and 36-38 under 35 U.S.C. § 103(a) be withdrawn.

Rejections of Dependent Claims 17, 18, 26-29, and 32-35 Under 35 U.S.C. § 103(a)

Dependent claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being obvious from the combination of Garfinkle, Callais, and West. Dependent claims 26-29 were rejected under 35 U.S.C. § 103(a) as being obvious from the combination of Garfinkle, Callais, and Linnett. And dependent claims 32-35 were rejected under 35 U.S.C. § 103(a) as being obvious from the combination of Garfinkle, Callais, and Vogel.

These rejections are respectfully traversed.

For at least the reasons discussed above with respect to independent claims 16 and 21, dependent claims 17, 18, 26-29, and 32-35, which depend directly or indirectly from one of those independent claims, are not obvious from the combination of Garfinkle, Callais, and any other cited reference (i.e., dependent claims are patentable if their independent claim is patentable).

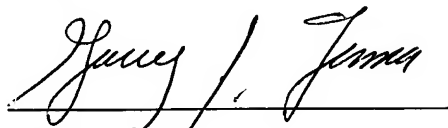
Accordingly, applicants respectfully request that the rejections of claims 17, 18, 26-29 and 32-35 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

The foregoing demonstrates that claims 1-38 are allowable. This application is

therefore in condition for allowance. Reconsideration, entry of the proposed amendment, and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Garry J. Tuma", is written over a horizontal line.

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